

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

In the Matter of)	
)	
Silver Dollar City, Inc.)	Docket No. EPCRA-07-2002-0089
d/b/a White Water)	
3505 West Highway 76)	
Branson, Missouri)	
Respondent.)	

CONSENT AGREEMENT AND FINAL ORDER

This proceeding for the assessment of a civil penalty was initiated on March 7, 2002, pursuant to Section 325 of the Emergency Planning and Community Right to Know Act (EPCRA), 42 U.S.C. § 11045, when the United States Environmental Protection Agency (Complainant or EPA) issued to Silver Dollar City, Inc. d/b/a White Water, Branson, Missouri, (Respondent) a Complaint and Notice of Opportunity for Hearing.

The Complaint charged Respondent with a violation of EPCRA Section 312, 42 U.S.C. § 11022, and the regulations promulgated pursuant to Section 328 of EPCRA, 42 U.S.C. § 11048, and codified at 40 C.F.R. Part 370.

The Complaint proposed a civil penalty of Ten Thousand Three Hundred Thirteen Dollars (\$10,313) for this violation. The parties entered into negotiations in an attempt to settle the allegations contained in the Complaint; this Consent Agreement and Final Order is the result of such negotiations.

CONSENT AGREEMENT

1. Respondent admits the jurisdictional allegations of the Complaint, and neither admits nor denies the factual allegations of the Complaint.
2. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth in the Complaint.
3. Respondent and Complainant agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.
4. Respondent certifies by the signing of this Consent Agreement and Final Order that to the best of Respondent's knowledge, its White Water Branson, Missouri facility is presently in compliance with all requirements of EPCRA, 42 U.S.C. § 11001, and all regulations promulgated thereunder.
5. Although not required by EPCRA or any other federal, state or local law, in settlement of this matter, Respondent agrees to donate a fire engine to the Southern Stone County Fire Protection District. The fire engine is a 1984 Ford F700, GVWR 28,000 pounds with a pump rating of 1,000 gallons per minute. Respondent agrees to donate the fire engine on or before July 31, 2002.
6. Respondent understands that the failure to pay any portion of the civil penalty assessed herein in accordance with the provisions of this Order may result in commencement of a civil action in Federal District Court to recover the total penalty, together with interest thereon at the applicable statutory rate.
7. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty as set forth below.

FINAL ORDER

Pursuant to the provisions of the Emergency Planning and Community Right to Know Act (EPCRA), 42 U.S.C. § 11001, and based upon the information set forth in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a mitigated civil penalty of One Thousand Seven Hundred Dollars (\$1,700) within thirty (30) days of entry of this Final Order. Payment shall be by cashier's or certified check, made payable to the "United States Treasury" and remitted to:

EPA-Region VII
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251.

2. A copy of the check should be forwarded to:

Julie M. Van Horn
Office of Regional Counsel
United States Environmental Protection Agency
901 North Fifth Street
Kansas City, Kansas 66101.

3. Respondent shall donate a fire engine to the Southern Stone County Fire Protection District by July 31, 2002. Respondent shall notify EPA in writing within thirty (30) days of donation of the fire engine.

4. In the event Respondent fails to implement the supplemental environmental project set forth in paragraph 5 of the Consent Agreement, Respondent shall pay a stipulated penalty of Seven Thousand Dollars (\$7,000). Such stipulated penalty shall become immediately due and payable upon notice by EPA.

5. Respondent and Complainant shall bear their own costs and attorneys' fees incurred as a result of this matter.

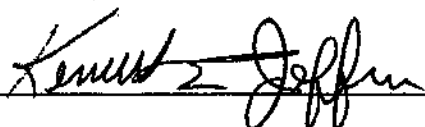
In the Matter of
Silver Dollar City, Inc.
Docket No. EPCRA-07-2002-0089

COMPLAINANT:
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

By 
Julie M. Van Horn
Senior Assistant Regional Counsel

Date 18 June 2002

RESPONDENT:
SILVER DOLLAR CITY, INC.
d/b/a WHITE WATER
BRANSON, MISSOURI

By 

Title VP - Finance

Date 6/10/02

IT IS SO ORDERED. This Final Order shall become effective
immediately.


Robert L. Patrick
Regional Judicial Officer

Date June 21, 2002

IN THE MATTER OF Silver Dollar City d/b/a White Water, Respondent
Docket No. EPCRA-07-2002-0089

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Julie Van Horn
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Sarah R. Maguffee
235 East High Street
P.O. Box 1251
Jefferson City, Missouri 65102-1251

and


Copy by First Class Pouch Mail to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U. S. Environmental Protection Agency
401 M Street, S.W./Mail Code 1900L
Washington, D. C. 20460

and

The Honorable Thomas W. Hoya
Administrative Law Judge
U. S. Environmental Protection Agency
401 M Street, S.W./Mail Code 1900L
Washington, D. C. 20460

Dated: 6/21/02


Kathy Robinson
Regional Hearing Clerk